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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 WAYNE ORLANDO TUCKER,

12 Plaintiff,

No. CIV S-04-1311 GEB GGH P

13 vs.

14 K. PROSPER, Warden, et al.,

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff, a state prisoner proceeding pro se, has  
18 filed this civil rights action seeking relief under 42 U.S.C.  
19 § 1983. The matter was referred to a United States Magistrate  
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General  
21 Order No. 262.

22 On March 24, 2005, the magistrate judge filed findings  
23 and recommendations herein which were served on plaintiff and  
24 which contained notice to plaintiff that any objections to the  
25 findings and recommendations were to be filed within twenty days.  
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1 Plaintiff has not filed objections to the findings and  
2 recommendations.

3 The court has reviewed the file and finds the findings  
4 and recommendations to be supported by the record and by the  
5 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED  
6 that:

7 1. The findings and recommendations filed March 24,  
8 2005, are adopted in full; and

9 2. This action is dismissed for plaintiff's failure to  
10 state a claim upon which relief may be granted.

11 Dated: May 10, 2005

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13 /s/ Garland E. Burrell, Jr.  
14 GARLAND E. BURRELL, JR.  
15 United States District Judge  
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